

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In re:	§	Chapter 11
	§	
RITA RESTAURANT CORP., <i>et al</i> ¹	§	Case No. 16-52272
	§	
Debtors.	§	(Jointly Administered)

**DEBTORS' OBJECTION TO SCHEDULED CLAIM
OF GORDON FOOD SERVICE, INC.**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE
ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN 30 DAYS
FROM THE DATE OF SERVICE, THE RELIEF
REQUESTED HEREIN MAY BE GRANTED WITHOUT A
HEARING BEING HELD.**

**IF A RESPONSE IS FILED, A HEARING ON THIS
OBJECTION WILL TAKE PLACE ON JUNE 7, 2017 AT
2:00 P.M. IN THE COURT OF THE HONORABLE JUDGE
RONALD B. KING, U. S. BANKRUPTCY COURT,
HIPOLITO F. GARCIA FEDERAL BUILDING AND
UNITED STATES COURTHOUSE, COURTROOM #1, 615
E. HOUSTON STREET, SAN ANTONIO, TX 78205.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A
HEARING TO BE HELD.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Rita Restaurant Corp. *et al.* (collectively, the "Debtors"), debtors and debtors-in-possession in the above-captioned Chapter 11 cases (the "Chapter 11 Cases" or "Cases") hereby object to the Scheduled Claim in the amount of \$149,431.78 (the "Claim") for Gordon Food

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Rita Restaurant Corp. (3919); Don Pablo's Operating, LLC (1986); and Hops Operating, LLC (1985). The address for all the Debtors is 120 Chula Vista, Hollywood Park, TX 78232.

Service, Inc. ("Claimant"). In support thereof, the Debtors would respectfully show the Court as follows:

I. JURISDICTION

1. The United States Bankruptcy Court for the Western District of Texas (the "Court" or "Bankruptcy Court") has jurisdiction over this Objection under 28 U.S.C. §§157 and 1334. Venue of this case and this Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding with the meaning of 28 U.S.C. § 157(b)(2).

II. BACKGROUND

2. On October 4, 2016, (the "Petition Date"), the Debtors filed a voluntary petition for relief under Chapter 11 of the United States Code (the "Bankruptcy Code"). The Debtors are authorized to continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. The Court set February 6, 2017 (the "Bar Date") as the deadline for creditors to file Proofs of Claims in the Chapter 11 Cases.

III. DISPUTED CLAIM

4. The Claim, described in detail below, should be disallowed in its entirety:

- Name of Claimant: Gordon Food Service, Inc.
- Scheduled Amount of Disputed Claim: \$149,431.78; Case No. 16-52272

(the "Disputed Claim").

IV. RELIEF REQUESTED

5. The Debtors respectfully request the Court enter an Order in substantially the form attached hereto as **Exhibit A**, sustaining this objection to the Claim and disallowing the Claim in its entirety.

V. BASIS FOR RELIEF REQUESTED

6. The Debtors object to the Disputed Claim in the amount of \$149,431.78. Even though scheduled, the Debtors believe they have fully paid and satisfied the Claim. The Claim has been paid or otherwise satisfied.

VI. RESERVATION OF RIGHTS

7. The Debtors expressly reserve the right to amend, modify or supplement this Objection and to file additional substantive or non-substantive objections to the Disputed Claim objected to herein, or any other Claims (filed or not) which may be asserted against the Debtors. Should one or more of the grounds stated in this Objection be overruled, the Debtors reserve their rights to object on other stated grounds or on any other grounds that the Debtors discover. In addition, the Debtors reserve the right to raise further objections, including objections under section 502(d) of the Bankruptcy Code.

VII. CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter an order substantially similar to the form attached as Exhibit A, (i) granting the relief requested herein; and (ii) such other and further relief as it deems just and proper.

Dated: April 24, 2017

Respectfully submitted,

AKERMAN LLP

/s/ John E. Mitchell

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*COUNSEL FOR DEBTORS AND
DEBTORS-IN-POSSESSION*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 25, 2017, a copy of the foregoing was served upon all parties receiving notice through the Court's CM/ECF system, and by U. S. First Class Mail on the following Claimant(s) and attached Service List.

Gordon Food Service, Inc.
1300 Gezon Parkway SW
Wyoming, MI 49509

/s/ John E. Mitchell
John E. Mitchell

LIMITED SERVICE LIST
In re Rita Restaurant Corp, et al.
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as of April 17, 2017

DEBTORS

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Don Pablo's Operating, LLC
Hops Operating, LLC
c/o Adele Wang, Esq.
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